

ENTERED

July 05, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

RONICA MARSHALL,

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Plaintiff,

v.

Civil Action No. 6:22-CV-00028

KILOLO KIJAKAZI,

Defendant.

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the June 1, 2023 Memorandum and Recommendation ("M&R") prepared by Magistrate Judge Jason B. Libby. (Dkt. No. 17). Magistrate Judge Libby made findings and conclusions and recommended that Plaintiff's Motion for Summary Judgment, (Dkt. No. 12), be **DENIED**, and Defendant's Motion for Summary Judgment, (Dkt. No. 16), be **GRANTED**. (Dkt. No. 17).

The Parties were provided proper notice and the opportunity to object to the M&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). On June 9, 2023, Plaintiff filed one objection. (Dkt. No. 18). Plaintiff objects to Magistrate Judge Libby's finding that that the ALJ did not err in finding Dr. Crowley's opinion to be unpersuasive. (*Id.* at 2-4).

In accordance with 28 U.S.C. § 636(b)(1)(C), the Court is required to "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection [has been] made." After conducting this de novo review, the Court may "accept, reject, or modify, in whole or in

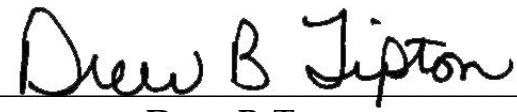
part, the findings or recommendations made by the magistrate judge.” *Id.*; *see also* Fed. R. Civ. P. 72(b)(3).

The Court has carefully considered de novo those portions of the M&R to which objection was made, and reviewed the remaining proposed findings, conclusions, and recommendations for plain error. Finding no error, the Court accepts the M&R and adopts it as the opinion of the Court. It is therefore ordered that:

- (1) Magistrate Judge Libby’s M&R, (Dkt. No. 17), is **ACCEPTED** and **ADOPTED** in its entirety as the holding of the Court;
- (2) Plaintiff’s Motion for Summary Judgment, (Dkt. No. 12), is **DENIED**; and
- (3) Defendant’s Motion for Summary Judgment, (Dkt. No. 16), is **GRANTED**.

It is SO ORDERED.

Signed on July 4, 2023.


Drew B. Tipton
DREW B. TIPTON
UNITED STATES DISTRICT JUDGE